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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/818,470	03/28/2001	Mark E. Poole		9560

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David S. Thompson
South 7 Howard, #418
Spokane, WA 99201

EXAMINER

DUNWOODY, AARON M

ART UNIT	PAPER NUMBER
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3679

DATE MAILED: 10/29/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/818,470

Applicant(s)

POOLE, MARK E.

Examiner

Aaron M Dunwoody

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 September 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☒ The proposed drawing correction filed on 19 September 2002 is: a) ☒ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1-7 are rejected under 35 U.S.C. 112, first paragraph, as based on a disclosure which is not enabling. The outer perimeter of the annular flange, the annular rounded perimeter rounded inwardly, toward the outer end of the tubular member is critical or essential to the practice of the invention, but included in the claim(s) is not enabled by the disclosure. See *In re Mayhew*, 527 F.2d 1229, 188 USPQ 356 (CCPA 1976). This new matter is not properly disclosed in the specification of the instant application; therefore, the Examiner will consider the amended claims less the new subject matter.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

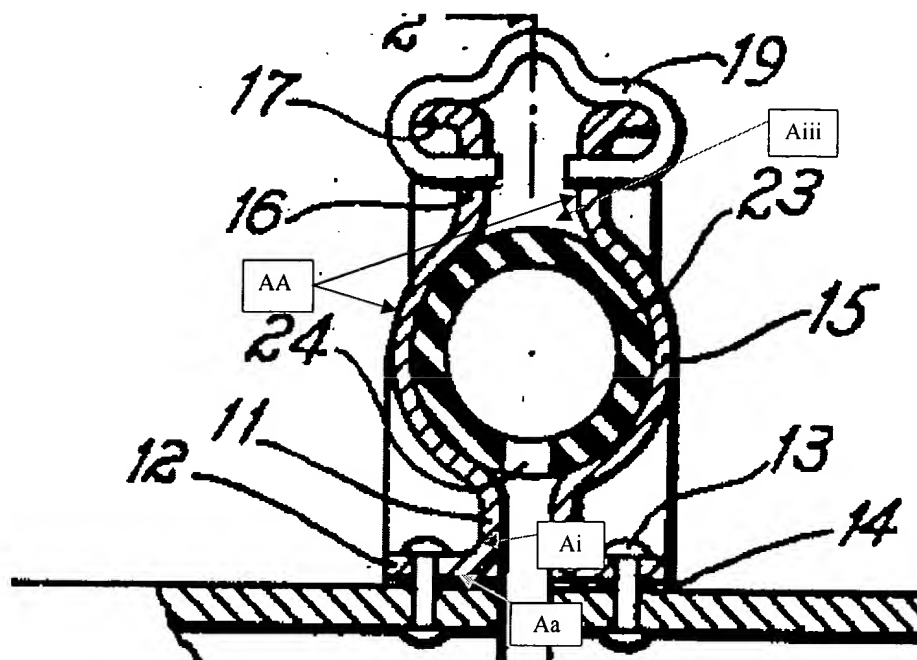
A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2 and 4 are rejected under 35 U.S.C. 102(b) as being anticipated by US patetnt 2451941, Glover, Jr. et al.

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In regards to claim 1, in figure 1 below, Glover, Jr. et al discloses



an apparatus for

connecting and sealing duct sections, the apparatus comprising first and second connectors (AA), each connector comprising a tubular member (Aa); an annular flange (12), extending radially outwardly from an outer end of the tubular member; and a rolled edge (15), comprising an annular radially inner bend (Ai), attached to the outer perimeter of the annular flange; an annular radially outer roll (15), adjacent to the radially inner bend; an annular rounded perimeter, adjacent to the annular radially outer roll; and whereby a tube cavity (Aiii) is defined within the annular radially outer roll and annular rounded perimeter; whereby an excess duct sealer trough is defined between rolled edges of the first and second connectors; and a plurality of fasteners (19) connecting the annular flange of the first connector to the annular flange of the second connector.

In regards to claim 2, Glover, Jr. et al discloses a gasket (23) carried between outer annular surfaces of the annular flanges of the first and second connectors, the gasket having a first side surface directed toward the outer annular surface of the first connector and a second side surface directed toward the outer annular surface of the second connector.

In regards to claim 4, Glover, Jr. et al discloses a duct sealer (23) carried firstly between the annular flange of the first connector and the annular flange of the second connector.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3, 5 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Glover, Jr. et al in view US patent 4913472, Janakirama-Rao.

In regards to claim 3, Glover, Jr. et al discloses the claimed invention for a duct sealer, carried firstly between the first side surface of the gasket and the outer annular surface of the annular flange of the first connector, and carried secondly between the second side surface of the gasket and the outer annular surface of the annular flange of the second connector, and carried thirdly carried in the excess duct sealer trough defined between the rolled edges of the first and second connectors. Janakirama-Rao teaches a duct sealer (6), carried firstly between the first side surface of the gasket (10)

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and the outer annular surface of the annular flange of the first connector (1), and carried secondly between the second side surface of the gasket and the outer annular surface of the annular flange of the second connector (2), and carried thirdly carried in the excess duct sealer trough defined between the rolled edges of the first and second connectors "to make a leak-proof seal" (column 4, line 30). It would have been obvious to one having ordinary skill in the art at the time the invention was made to fabricate a duct sealer carried firstly between the first side surface of the gasket and the outer annular surface of the annular flange of the first connector, and carried secondly between the second side surface of the gasket and the outer annular surface of the annular flange of the second connector, and carried thirdly carried in the excess duct sealer trough defined between the rolled edges of the first and second connectors to make a leak-proof seal, as taught by Janakirama-Rao.

In regards to claims 5 and 7, Glover, Jr. et al in view of Janakirama-Rao, discloses an apparatus for connecting and sealing duct sections, the apparatus comprising first and second connectors, each connector comprising a tubular member; an annular flange, extending radially outwardly from an outer end of the tubular member; and a rolled edge, comprising an annular radially inner bend, attached to the outer perimeter of the annular flange; an annular radially outer roll, adjacent to the radially inner bend; an annular rounded perimeter, adjacent to the annular radially outer roll; whereby a tube cavity is defined within the annular radially outer roll and annular rounded perimeter; and a wire rod, carried within the tube cavity; whereby an excess duct sealer trough is defined between rolled edges of the first and second connectors; a

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gasket, carried between outer annular surfaces of the annular flanges of the first and second connectors, the gasket having a first side surface directed toward the outer annular surface of the first connector and a second side surface directed toward the outer annular surface of the second connector; a duct sealer, carried firstly between the first side surface of the gasket and the outer annular surface of the annular flange of the first connector, and carried secondly between the second side surface of the gasket and the outer annular surface of the annular flange of the second connector, and carried thirdly carried in the excess duct sealer trough defined between the rolled edges of the first and second connectors; and a plurality of fasteners connecting the annular flange of the first connector to the annular flange of the second connector.

Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Glover, Jr. et al in view of US patent 5016925, Davis.

In regards to claim 6, Glover, Jr. et al discloses the claimed invention except for a tubular member defining an O-ring channel on an outer surface. Davis teaches a tubular member defining an O-ring channel (12) on an outer surface to form a watertight seal (column 1, lines 55-57). It would have been obvious to one having ordinary skill in the art at the time the invention was made to fabricate the tubular member with an O-ring channel on an outer surface to form a watertight seal, as taught by Davis.

Response to Arguments

Applicant's arguments with respect to claims 1-5 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aaron M Dunwoody whose telephone number is (703) 306-3436. The examiner can normally be reached on Monday - Friday between 7:30 am to 4:00 pm.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynne H Browne can be reached on (703) 308-1159. The fax phone numbers for the organization where this application or proceeding is assigned are (703)

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872-9302 for regular communications and (703) 872-9327 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

.amd 
October 22, 2002


Lynne H. Browne
Supervisory Patent Examiner
Technology Center 3670